

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMY SHAWN SUTHERLAND,

Petitioner,

No. CIV S-05-0532 MCE DAD P

vs.

JEANNE S. WOODFORD,

Respondent.

ORDER TO SHOW CAUSE

Petitioner is a state prisoner proceeding with this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 11, 2008, the court ordered petitioner's counsel of record, attorney Jack Hamlin, to inform the court whether he was still representing petitioner and, if so, to submit a notice of change of address.¹ On March 26, 2008, Mr. Hamlin submitted a notice of change of address and association of counsel. Mr. Hamlin stated that he "left the active practice of law in early 2006 due to health considerations, having taken a full time position as Assistant Professor at National University, College of Letters and Science."² In addition, Mr.

¹ Mail sent by the court to Mr. Hamlin's address of record had been returned to the court as undeliverable.

² The court presumes this means that Mr. Hamlin is no longer an active member of the State Bar of California. See Local Rule 83-180.

1 Hamlin explained that rather than find new counsel for petitioner, he is now associating with
2 attorney Mark Caruana of Carlsbad, California. However, Mr. Caruana had not been admitted to
3 practice before this court and a substitution of attorney had not been filed. Therefore, by order
4 dated November 25, 2008, this court ordered Mr. Hamlin to file a proper substitution of attorney
5 pursuant to Local Rule 83-182. However, Mr. Hamlin has failed to comply with the court's
6 November 25, 2008 order.

7 Accordingly, IT IS HEREBY ORDERED that within thirty days from the service
8 of this order, Jack Hamlin, counsel of record for petitioner, shall show cause why monetary
9 sanctions should not be imposed for failure to comply with the November 25, 2008 order.
10 Compliance with the court's prior order would be part of an appropriate response to this order to
11 show cause.

12 DATED: January 20, 2009.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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